



An
Bord
Pleanála

Inspector's Report

ABP-311495-21

Development

Section 146B application for amendments to An Bord Pleanála case reference ABP-304558-19 for an electrical substation and associated works.

Location

Rathnaskilloge, Stradbally, Co. Waterford

Planning Authority

Waterford City and County Council

Requester

Highfield Solar Limited

Type of Application

Application under Section 146B of the Planning and Development Act, 2000 (as amended) to alter previously approved Strategic Infrastructure Development.

Date of Site Inspection

20th November 2020

Inspector

Donal Donnelly

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1.0 Introduction

- 1.1. The Board decided on 8th February 2021 to approve an application by Highfield Solar Limited under Section 182A(1) of the Planning and Development Act, 2000 (as amended) for an electrical substation and associated 110kV and MV infrastructure required to connect ground mounted solar PV generation to the electricity transmission system with associated ancillary site development work at Rathnaskilloge, Stradbally, Co. Waterford.
- 1.2. Pursuant to Section 146B of the Planning and Development Act, 2000 (as amended), Highfield Solar Limited now requests that the Board alter the terms of this strategic infrastructure development that was approved under ABP-304558-19.

2.0 Site Location and Description

- 2.1. The approved substation site is located in the townland of Rathnaskilloge in Co. Waterford approximately 3km north of Stradbally and 5.5km south of Kilmacthomas.
- 2.2. The surrounding area comprises mostly of agricultural pastureland with coniferous and broad-leaf forest and semi-natural areas. There is forestry immediately to the north and west of the site and the site itself comprises semi-improved wet grassland.
- 2.3. The Dungarvan-Cullenagh/ Butlerstown 110kV overhead line traverses the site from south-west to north-east. Access to the site is via a laneway off the R675 Regional Route. There is a vacant dwelling to the south-west and farm buildings to the east of the substation site.

3.0 Planning History

An Bord Pleanála Ref: ABP-304558-19

- 3.1.1. On 8th March 2021, the Board issued a 10-year approval for electricity transmission infrastructure consisting of an electrical substation and associated 110kV and MV infrastructure required to connect ground mounted solar PV generation to the electricity transmission system; lightning protection masts; perimeter security fencing; CCTV cameras; access tracks; 110kV end masts; underground cabling; temporary construction compound; drainage infrastructure and all associated

ancillary site development works in the townland of Rathnaskilloge, Stradbally, County Waterford.

Waterford County Council Reg. Ref: 19/290 (ABP-305817-19)

- 3.2. The Board upheld the Council's decision to grant permission to Highfield Solar Ltd. (10-year permission) for the development of a solar farm on a site of c. 109 hectares.

4.0 Proposed Alteration

- 4.1. The proposed alteration, as set out in the requester's cover letter and drawings received by the Board on 28th September 2021, relates to the dimensions of the consented GIS building and comprises the following:

| GIS Building Dimensions | Approved | Proposed |
|--------------------------------|-----------------|-----------------|
| Length | 43m | 46.3m |
| Width | 11m | 14.9m |
| Height | 11.5m | 14.5m |

5.0 Requester's Submission

- 5.1. The main points raised in the requester's submission can be summarised as follows:
- Proposed amendments are within the original site boundary and do not seek to alter the equipment being installed.
 - Amendments seek to comply with increased space and safety clearance requirements within the switchgear housing as per updated EirGrid specifications.
 - Only the GIS building will change – the substation compound dimensions remain the same and therefore the area of disturbed ground will remain unchanged.
 - Due to minimal increase to the dimensions of the building, the location of the substation setback from the public road of approximately 550m, and the fact that compound dimensions remain unchanged, the proposed amendments will be negligible.

- Additional space required to satisfy the clearance requirements from internal electrical equipment does not alter the equipment being installed. Assessments carried out as part of the original application remain appropriate.
- Original application included a NIS carried out for the entire solar farm and substation development. Minor amendments to the substation are considered negligible in the context of the wider development (109 hectares) - findings of original NIS remain valid.
- Board has recently adjudicated on a similar amendment but larger in scale (ABP-307401-20) in order to comply with EirGrid specifications.
- Applicant requests confirmation from Board that proposed amendment does not constitute a material amendment.

6.0 Legislative Provisions

- 6.1. Under Section 146B(1) of the Planning and Development Act, 2000 (as amended), the Board may alter the terms of a permission for a strategic infrastructure development on request of the person intending to carry out the development.
- 6.2. Section 146B(2)(a) states that *“as soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.”* Section 146B(2)(b) provides for the Board to invite submissions and the Board shall have regard to any submission made.
- 6.3. Under Section 146(3)(a), the Board shall alter the planning approval if it decides that the making of the alteration would not constitute the making of a material alteration in the terms of the development concerned. If the Board decides under Section 143(3)(b) that the making of the alteration would be material, it shall (i) require the requester to submit to the Board the information specified in Schedule 7A or an EIAR, and (ii) determine whether to:
- (I) make the alteration
 - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more

significant change to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

- 6.4. Section 146B(3A) allows for the submission of further relevant information on the characteristics of the alteration in addition to the Schedule 7A information/ EIAR under subsection 3(b)(i). The further relevant information may also be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration [Section 146B(3B)].
- 6.5. Section 146B(4) states that before it makes its decision to alter/ alter differently/ refuse to alter, the Board shall determine whether the extent and character of alteration or any alternative alteration are such that the alteration, were it to be made, would be likely to have significant effects on the environment.
- 6.6. Subsections 146B(4A)(a) – (c) relate to the timeframe within which the Board shall make a determination under subsection (4) unless exceptional circumstances apply.
- 6.7. Under Section 146B(5), if the Board determines that the making of either kind of alteration referred to in subsection (3)(b)(ii):
 - (a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b)(ii), or
 - (b) is likely to have such effects, the provisions of section 146C shall apply (preparation of an EIAR).
- 6.8. Under Section 146B(6), *“if, in a case to which subsection (5)(a) applies, the Board makes a determination to make an alteration of either kind referred to in subsection (3)(b)(ii), it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.”*
- 6.9. Section 146B(7) sets out the criteria that the Board shall have regard to in making a determination under subsection (4), while subsection (8) sets out provisions for the making of submissions or observations before a determination under subsection (3)(b)(ii) or (4) is made.

7.0 Assessment

- 7.1. The requester is seeking to alter the terms of a strategic infrastructure development (ABP-304558-19) approved by the Board under Section 182A(1) of the Planning and Development Act, 2000 (as amended) and comprising an electrical substation and associated 110kV and MV infrastructure required to connect ground mounted solar PV generation to the electricity transmission system at Rathnaskilloge, Stradbally, Co. Waterford. The proposed alteration comprises an increase in length, width and height of the approved GIS building only.
- 7.2. The first consideration to assess is whether the proposed alteration would constitute a material alteration of the terms of the strategic infrastructure development approved under ABP-304558-19. Should the Board decide that the proposed alteration is not material, it shall alter the approved development accordingly. However, if it is decided that the proposed alteration is material, the Board shall consider the proposed alteration in terms of the significant effects on the environment and other related matters.
- 7.3. **Whether the proposed alteration is or is not material**
- 7.4. The strategic infrastructure development (SID) approved under ABP-304558-19 provides for a new electricity substation and associated 110kV and MV infrastructure; lightning protection masts; perimeter security fencing; CCTV cameras; access tracks; 110kV end masts; underground cabling; temporary construction compound; drainage infrastructure; and all associated site development works.
- 7.5. The approved substation will facilitate the connection of a permitted solar farm (ABP-305817-19) to the Dungarvan-Cullenagh/ Butlerstown 110kV overhead line traversing the site and will include an EirGrid owned compound and an operator owned IPP compound. The approved substation building is metal clad and coloured green with height of 11.5m, length of 43m and width of 11m. Two lattice towers will facilitate a looped connection, one of which will replace an existing wooden pole set. Approximately 250m of underground 110kV cable will connect the towers to the substation.

- 7.6. The proposed alterations sought under Section 146B of the Planning and Development Act, 2000 (as amended) relate to works affecting the GIS building only. The substation compound will remain the same. The purpose of the increase in size of the GIS building is to satisfy larger clearance requirements from internal electrical equipment as per updated EirGrid specifications. The internal electrical equipment to be installed will not be altered.
- 7.7. The overall increase in the size of the GIS building will not be of a scale that would be considered material. The length and width of the structure will be increased by 3.3m and 3.9m respectively. The height of the structure will increase by 3m. The structure will be well screened and set back from the public road by a distance of approximately 550m. The visual profile of the substation will change slightly; however, the pattern, form, scale and nature of the overall substation development will remain unchanged. There is no potential for cumulative impacts with other elements of the overall solar farm project given the separation distances involved.
- 7.8. As the compound dimensions will remain the same, there will be no alterations to the area of disturbed ground. Thus, there will be no difference in terms of impact on population and human health; biodiversity; water; land, soil, air and climate; material assets; and cultural heritage and the landscape. There will be no perceptible change for residents of the area in visual terms or during construction works. No differences in terms of landscape alteration will take place and any excavation and soil stripping will be the same as the permitted development. Furthermore, separation distances will remain the same and any approved mitigation measures will not change as a result of the proposed alterations.

7.9. Appropriate Assessment

- 7.10. The Board completed an Appropriate Assessment Screening exercise under ABP-304558-19 in relation to six European Sites. Five of these sites were screened out and the Board then undertook Appropriate Assessment for the following European Site in view of the conservation objectives of this site:

- Mid Waterford Coast SPA (site code: 004193)

- 7.11. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development, individually, when taken together and in combination with other plans or projects,
- (b) the mitigation measures, which are included as part of the proposal,
- (c) the submissions from the planning authority and the observers in the course of the application, and
- (d) the Conservation Objectives for the European sites.

7.12. In overall conclusion, the Board was satisfied that the development proposed under ABP-304558-19, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

7.13. Having considered the Board's determination on Appropriate Assessment in case ABP-304558-19, and having regard to the nature and limited scale and extent of the proposed alterations relative to the development that was approved under ABP-304558-19, the nature of the receiving environment, together with the distance to the nearest European sites, no additional Appropriate Assessment issues arise and it is not considered that the proposed alteration to the approved development would be likely to have a significant effect individually or in combination with other plans or projects on any European sites.

7.14. **Conclusion**

7.14.1. Having considered the proposed alteration and the development as approved under ABP-304558-19, I consider it reasonable to conclude that the making of said alteration comprising changes to the external dimensions of the approved GIS building, increasing its length, width and height by 3.6m, 3.9m and 3m respectively, would not constitute the making of a material alteration of the development as approved under ABP-304558-19. Furthermore, there are no changes in circumstances and no new or materially different considerations arising from the proposed alteration that were not assessed under ABP-304558-19.

7.14.2. I have considered the provisions of S.146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public. Having

considered the nature, scale and extent of the alteration, the information on file and the nature, scale and extent of the development approved under ABP-304558-19, I am of the opinion that the invitation of submissions from the public in this instance is not necessary and is not required for the purposes of the Board in determining the matter.

8.0 Recommendation

8.1. I recommend that the Board decides that the making of the alterations the subject of this request do not constitute the making of a material alteration of the terms of the development as approved under ABP-304558-19.

9.0 Draft Order

REQUEST received by An Bord Pleanála on the 28th September 2021 from Highfield Solar Limited under section 146B of the Planning and Development Act 2000, (as amended) to alter the terms of a strategic infrastructure development described as a proposed electrical substation and associated 110kV and MV infrastructure required to connect ground mounted solar PV generation to the electricity transmission system with associated ancillary site development work at Rathnaskilloge, Stradbally, Co. Waterford the subject of an approval under An Bord Pleanála reference number ABP-304558-19,

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by order dated the 8th of March 2021,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the approval,

AND WHEREAS the proposed alteration is described as follows: Increase of approved GIS building dimensions from 43m to 46.3m (length); 11m to 14.9m (width); and 11.5m to 14.5m (height),

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS having considered all the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 28th day of September 2021 for the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

REASONS AND CONSIDERATIONS

Having regard to:

- (i) the nature and scale of the substation and associated development approved by An Bord Pleanála under Reference Number ABP-304558-19 for this site,
- (ii) the examination of the environmental impact, including in relation to European Sites, carried out in the course of that application,
- (iii) the limited nature and scale of the proposed alteration when considered in relation to the overall approved development,
- (iv) the absence of any significant new or additional environmental concerns (including in relation to European Sites) arising as a result of the proposed alteration, and
- (v) the report of the Board's Inspector, which is adopted,

It is considered that the proposed alteration would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alteration.

Donal Donnelly
Senior Planning Inspector

19th October 2021